



BILLING CODE 6560-50-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 180**

**[EPA-HQ-OPP-2012-0862; FRL-9906-24]**

#### **Alkyl Alcohol Alkoxylate Phosphate and Sulfate Derivatives; Exemption from the Requirement of a Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation amends two exemptions from the requirement of a tolerance for residues of  $\alpha$ -alkyl (minimum C<sub>6</sub> linear, branched, saturated and/or unsaturated)- $\omega$ -hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles, herein referred to as alkyl alcohol alkoxylate phosphate derivatives (AAAPD) and  $\alpha$ -Alkyl(C<sub>6</sub>-C<sub>15</sub>)- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles, herein referred to alkyl alcohol alkoxylate sulfate derivatives (AAASD) when used as inert ingredients (surfactants) applied to growing crops and raw agricultural commodities after harvest under 40 CFR 180.910 and applied to animals under 40 CFR 180.930; not to exceed 30% of pesticide formulations. Joint Inerts Task Force Cluster Support Team 2 (JITF CST 2) c/o Huntsman Corp. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an

amendment to an existing requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of alkyl alcohol alkoxylate phosphate and sulfate derivatives.

**DATES:** This regulation is effective [*insert date of publication in the **Federal Register***].

Objections and requests for hearings must be received on or before [*insert date 60 days after date of publication in the **Federal Register***], and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the

**SUPPLEMENTARY INFORMATION).**

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2012-0862 is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7090; e-mail address: [RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

*B. How Can I Get Electronic Access to Other Related Information?*

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

*C. How Can I File an Objection or Hearing Request?*

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2012-0862 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and

must be received by the Hearing Clerk on or before [*insert date 60 days after date of publication in the **Federal Register***]. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2012-0862, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.htm>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

## **II. Petition for Exemption**

In the **Federal Register** of July 29, 2009 (74 FR 37571) (FRL-8424-6), EPA issued a Final Rule, announcing the establishment of a tolerance exemption pursuant to a

pesticide petition (PP 9E7533) by the Joint Inerts Task Force (JITF) Cluster Support Team Number 2 (CST 2) c/o CropLife America, 1156 15th Street, NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910, 40 CFR 180.920 and 40 CFR 180.930 be amended by establishing exemptions from the requirement of a tolerance for residues of a group of substances known as alkyl alcohol alkoxylate phosphate and sulfate derivatives. The exemptions narratively describe the subject chemical as  $\alpha$ -alkyl (minimum C<sub>6</sub> linear, branched, saturated and/or unsaturated)- $\omega$ -hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles and  $\alpha$ -Alkyl(C<sub>6</sub>-C<sub>15</sub>)- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles. The current petition seeks to expand the exemptions for alkyl alcohol alkoxylate sulfate derivatives by adding additional chemicals identified by Chemical Abstract Service Registry Numbers (CAS Reg. Nos.).

In the **Federal Register** of August 20, 2010 (75 FR 51382) (FRL-8836-5), EPA issued a Final Rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7628) by the Joint Inerts Task Force (JITF) Cluster Support Team Number 2 (CST 2) c/o CropLife America, 1156 15th Street, NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by establishing an exemption from the requirement of a tolerance for residues of a group of substances known as alkyl alcohol alkoxylate phosphate

derivatives. The current petition seeks to expand the exemptions for alkyl alcohol alkoxylate phosphate derivatives by adding additional chemicals identified by CAS Reg. Nos.

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL-9386-2), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP 2E8092) by Joint Inerts Task Force, Cluster Support Team 2, (JITF CST2), c/o Huntsman Corp., 8600 Gosling Rd., The Woodlands, TX 77381. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by modifying two exemptions from the requirement of a tolerance for residues of alkyl alcohol alkoxylate phosphate derivatives to include CAS Reg. Nos. 9004-80-2; 26982-05-8; 31800-89-2; 39341-09-8; 39341-65-6; 39464-69-2; 50668-50-3; 51884-64-1; 57486-09-6; 59112-71-9; 62362-49-6; 63747-86-4; 63887-55-8; 66272-25-1; 67786-06-5; 67989-06-4; 68071-37-4; 68130-44-9; 68130-45-0; 68130-46-1; 68186-29-8; 68186-34-5; 68238-84-6; 68311-04-6; 68389-72-0; 68413-78-5; 68425-75-2; 68439-39-4; 68511-15-9; 68511-36-4; 68551-05-3; 68585-15-9; 68585-16-0; 68585-17-1; 68585-39-7; 68603-24-7; 68607-14-7; 68610-64-0; 68649-30-9; 68650-84-0; 68855-46-9; 68856-03-1; 68890-90-4; 68890-91-5; 68891-12-3; 68891-26-9; 68909-65-9; 68909-67-1; 68909-69-3; 68921-24-4; 68921-60-8; 68954-87-0; 68954-88-1; 68954-92-7; 68987-35-9; 69029-43-2; 69980-69-4; 70247-99-3; 70248-14-5; 70903-63-8; 71965-23-6; 71965-24-7; 72480-27-4; 72623-67-7; 72623-68-8; 72828-56-9; 72828-57-0; 73018-34-5; 73050-08-5; 73050-09-6; 73361-29-2; 73378-71-9; 73378-72-0; 73559-42-9; 73559-43-0; 73559-44-1; 73559-45-2; 74499-76-6; 76930-25-1; 78330-22-0; 91254-26-1; 93925-54-3; 96416-89-6; 103170-31-6; 103170-32-7; 106233-09-4; 106233-10-7; 110392-49-

9; 111798-26-6; 111905-50-1; 116671-23-9; 117584-36-8; 119415-05-3; 121158-61-0; 121158-63-2; 125139-13-1; 125301-86-2; 125301-87-3; 126646-03-5; 129870-77-5; 129870-80-0; 130354-37-9; 136504-88-6; 143372-50-3; 143372-51-4; 154518-40-8; 155240-11-2; 160498-49-7; 160611-24-5; 171543-66-1; 210493-60-0; 246159-55-7; 251298-11-0; 261627-68-3; 422563-19-7; 1072943-56-6; 1187742-89-7; 1187743-35-6 and alkyl alcohol alkoxylate sulfate derivatives to include CAS Reg. Nos. 9021-91-4; 27140-00-7; 27731-61-9; 27731-62-0; 34431-25-9; 35015-74-8; 52286-18-7; 52286-19-8; 54116-08-4; 61702-79-2; 63428-86-4; 63428-87-5; 65086-57-9; 65086-79-5; 67674-66-2; 67845-82-3; 67845-83-4; 68037-05-8; 68037-06-9; 68171-41-5; 68610-66-2; 68649-53-6; 68890-88-0; 68891-29-2; 68891-30-5; 69011-37-6; 75422-21-8; 78330-16-2; 78330-17-3; 78330-25-3; 78330-26-4; 78330-27-5; 78330-28-6; 78330-29-7; 78330-30-0; 96130-61-9; 106597-03-9; 110392-50-2; 125301-88-4; 125301-89-5; 125301-92-0; 125736-54-1; 157707-85-2; 160104-51-8; 160901-27-9; 160901-28-0; 160901-29-1; 160901-30-4; 161025-28-1; 161074-79-9; 162063-19-6 when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and applied to animals; not to exceed 30% of pesticide formulations. That document referenced a summary of the petition prepared by Joint Inerts Task Force, Cluster Support Team 2, (JITF CST2), c/o Huntsman Corp., the petitioner, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

In this petition, the JITF CST 2 claims that the requested chemical CAS Reg. Nos. listed in Unit II. should be covered by the published tolerance exemptions for alkyl alcohol alkoxylate phosphate and sulfate derivatives and that no further data or review is

required to amend the existing tolerance exemption to include the additional CAS Reg. Nos.

Based upon review of the data supporting the petition, EPA has confirmed that the requested CAS Reg. Nos. are appropriately added to the currently approved respective descriptors (alkyl alcohol alkoxylate phosphate derivatives or alkyl alcohol alkoxylate sulfate derivatives).

### **III. Inert Ingredient Definition**

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term “inert” is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

### **IV. Aggregate Risk Assessment and Determination of Safety**

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is “safe.” Section 408(c)(2)(A)(ii) of FFDCA defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated



dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....”

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for alkyl alcohol alkoxylate phosphate and sulfate derivatives including exposure resulting from the

exemption amended by this action. EPA's assessment of exposures and risks associated with alkyl alcohol alkoxylate phosphate and sulfate derivatives follows.

The Agency agrees with the petitioner that CAS Reg. Nos.: 9004-80-2; 26982-05-8; 31800-89-2; 39341-09-8; 39341-65-6; 39464-69-2; 50668-50-3; 51884-64-1; 57486-09-6; 59112-71-9; 62362-49-6; 63747-86-4; 63887-55-8; 66272-25-1; 67786-06-5; 67989-06-4; 68071-37-4; 68130-44-9; 68130-45-0; 68130-46-1; 68186-29-8; 68186-34-5; 68238-84-6; 68311-04-6; 68389-72-0; 68413-78-5; 68425-75-2; 68439-39-4; 68511-15-9; 68511-36-4; 68551-05-3; 68585-15-9; 68585-16-0; 68585-17-1; 68585-39-7; 68603-24-7; 68607-14-7; 68610-64-0; 68649-30-9; 68650-84-0; 68855-46-9; 68856-03-1; 68890-90-4; 68890-91-5; 68891-12-3; 68891-26-9; 68909-65-9; 68909-67-1; 68909-69-3; 68921-24-4; 68921-60-8; 68954-87-0; 68954-88-1; 68954-92-7; 68987-35-9; 69029-43-2; 69980-69-4; 70247-99-3; 70248-14-5; 70903-63-8; 71965-23-6; 71965-24-7; 72480-27-4; 72623-67-7; 72623-68-8; 72828-56-9; 72828-57-0; 73018-34-5; 73050-08-5; 73050-09-6; 73361-29-2; 73378-71-9; 73378-72-0; 73559-42-9; 73559-43-0; 73559-44-1; 73559-45-2; 74499-76-6; 76930-25-1; 78330-22-0; 91254-26-1; 93925-54-3; 96416-89-6; 103170-31-6; 103170-32-7; 106233-09-4; 106233-10-7; 110392-49-9; 111798-26-6; 111905-50-1; 116671-23-9; 117584-36-8; 119415-05-3; 121158-61-0; 121158-63-2; 125139-13-1; 125301-86-2; 125301-87-3; 126646-03-5; 129870-77-5; 129870-80-0; 130354-37-9; 136504-88-6; 143372-50-3; 143372-51-4; 154518-40-8; 155240-11-2; 160498-49-7; 160611-24-5; 171543-66-1; 210493-60-0; 246159-55-7; 251298-11-0; 261627-68-3; 422563-19-7; 1072943-56-6; 1187742-89-7; and 1187743-35-6 are alkyl alcohol alkoxylate phosphate derivatives similar to those present in the existing exemption.

The Agency agrees with the petitioner that CAS Reg. Nos.: 9021-91-4; 27140-00-7; 27731-61-9; 27731-62-0; 34431-25-9; 35015-74-8; 52286-18-7; 52286-19-8; 54116-08-4; 61702-79-2; 63428-86-4; 63428-87-5; 65086-57-9; 65086-79-5; 67674-66-2; 67845-82-3; 67845-83-4; 68037-05-8; 68037-06-9; 68171-41-5; 68610-66-2; 68649-53-6; 68890-88-0; 68891-29-2; 68891-30-5; 69011-37-6; 75422-21-8; 78330-16-2; 78330-17-3; 78330-25-3; 78330-26-4; 78330-27-5; 78330-28-6; 78330-29-7; 78330-30-0; 96130-61-9; 106597-03-9; 110392-50-2; 125301-88-4; 125301-89-5; 125301-92-0; 125736-54-1; 157707-85-2; 160104-51-8; 160901-27-9; 160901-28-0; 160901-29-1; 160901-30-4; 161025-28-1; 161074-79-9; and 162063-19-6 are alkyl alcohol alkoxyate sulfate derivatives similar to those present in the existing exemption.

In 2009, in establishing the exemption for alkyl alcohol alkoxyate sulfate derivatives and in 2010, in establishing the exemption for alkyl alcohol alkoxyate phosphate derivatives, EPA assessed their safety generally using worst case exposure assumptions (see Unit IV. of 74 FR 37571 and Unit IV. of 75 FR 51382). Based upon the review of the data supporting both of these petitions, EPA has confirmed that the requested CAS Reg. Nos. are appropriately added to the currently approved descriptors. The requested CAS Reg. Nos. consist of compounds that are either:  $\alpha$ -alkyl (minimum C<sub>6</sub> linear or branched, saturated and or unsaturated)- $\omega$ -hydroxypolyoxyethylene polymers with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters or the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts thereof with a minimum oxyethylene content averages 2 moles and minimum oxypropylene content is 0 moles; or  $\alpha$ -Alkyl(C<sub>6</sub>-C<sub>15</sub>)- $\omega$ -hydroxypoly(oxyethylene)sulfate, or the ammonium, calcium, magnesium, potassium,

sodium, and zinc salt thereof, with a poly(oxyethylene) content averaging 2–4 moles. As such, the requested CAS Reg. Nos. fall within the existing tolerance exemption descriptors for alkyl alcohol alkoxylate phosphate and sulfate derivatives given in 40 CFR 180.910 and 40 CFR 180.930. The Agency has determined that the proposed addition of the requested CAS Reg. Nos. is adequately supported by the existing data and assessment and that no additional data or review is required. Inclusion of the additional chemicals described in Unit IV. in the risk assessments for the alkyl alcohol alkoxylate phosphate and sulfate derivatives would in no way alter the prior risk assessments given the generic findings on toxicity and the worst case exposure assumptions used in those risk assessments. Accordingly, based on the findings in that earlier rule, EPA has determined that there is a reasonable certainty that no harm to any population subgroup, including infants and children, will result from aggregate exposure to alkyl alcohol alkoxylate phosphate and sulfate derivatives by including the additional chemicals described in Unit IV., under reasonably foreseeable circumstances. Therefore, the amendment to an existing requirement of a tolerance under 40 CFR 180.910 and 40 CFR 180.930 for residues of alkyl alcohol alkoxylate phosphate and sulfate derivatives to include the chemicals described in Unit IV. is safe under FFDCA section 408.

## **V. Other Considerations**

### *A. Analytical Enforcement Methodology*

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical level of residues of the alkyl alcohol alkoxylate phosphate and sulfate derivatives that cannot be exceeded in or on any food commodities. EPA is establishing a limitation on the amount of the alkyl alcohol alkoxylate phosphate and

sulfate derivatives that may be used in pesticide formulations. That limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide for sale or distribution that contains greater than 30% of the alkyl alcohol alkoxylate phosphate and sulfate derivatives by weight in the pesticide formulation.

## **VI. Conclusions**

Therefore, the exemptions from the requirement of a tolerance under 40 CFR 180.910 and 40 CFR 180.930 for alkyl alcohol alkoxylate phosphate and sulfate derivatives are amended to include the requested CAS Reg. Nos. when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and to animals, not to exceed 30% of pesticide formulations.

## **VII. Statutory and Executive Order Reviews**

This final rule establishes an exemption from the requirement for a tolerance in response to a petition submitted to the Agency under FFDCA section 408(d). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it

require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National

Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

### **VIII. Congressional Review Act**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 11, 2014.

Lois Rossi,

*Director, Registration Division, Office of Pesticide Programs.*



Therefore, 40 CFR chapter I is amended as follows:

**PART 180--[AMENDED]**

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

2. In § 180.910, revise the following inert ingredients in the table to read as follows:

**§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.**

\* \* \* \*

Inert ingredients	Limits	Uses
* * *	*	* *
$\alpha$ -Alkyl(C <sub>6</sub> -C <sub>15</sub> )- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2-4 moles (CAS Reg. Nos. 3088-31-1, 9004-82-4, 9004-84-6, 9021-91-4, 13150-00-0, 25446-78-0, 26183-44-8, 27140-00-7, 27731-61-9, 27731-62-0, 32612-48-9, 34431-25-9, 35015-74-8, 50602-06-7, 52286-18-7, 52286-19-8, 54116-08-4, 61702-79-2, 62755-21-9, 63428-86-4, 63428-87-5, 65086-57-9, 65086-79-5, 67674-66-2, 67845-82-3, 67845-83-4, 68037-05-8, 68037-06-9, 68171-41-5, 68424-50-0, 68511-39-7, 68585-34-2, 68610-66-2, 68611-55-2, 68649-53-6, 68890-88-0, 68891-29-2, 68891-30-5, 68891-38-3, 69011-37-6, 73665-22-2, 75422-21-8, 78330-16-2, 78330-17-3, 78330-25-3, 78330-26-4, 78330-27-5, 78330-28-6, 78330-29-7, 78330-30-0, 96130-61-9, 106597-03-9, 110392-50-2, 125301-88-4, 125301-89-5, 125301-92-0, 125736-54-1, 157707-85-2, 160104-51-8, 160901-27-9, 160901-28-0, 160901-29-1, 160901-30-4, 161025-28-1, 161074-79-9, 162063-19-6)	Not to exceed 30% of pesticide formulation	Surfactants, related adjuvants of surfactants
* * *	*	* *

<p><math>\alpha</math>-alkyl (minimum C<sub>6</sub> linear, branched, saturated and/or unsaturated)-<math>\omega</math>-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; minimum oxyethylene content averages 2 moles; minimum oxypropylene content is 0 moles (CAS Reg. Nos. 9004-80-2, 9046-01-9, 26982-05-8, 31800-89-2, 37280-82-3, 39464-66-9, 39341-09-8, 39341-65-6, 39464-69-2, 42612-52-2, 50643-20-4, 50668-50-3, 51884-64-1, 52019-36-0, 57486-09-6, 58318-92-6, 59112-71-9, 60267-55-2, 61837-79-4, 62362-49-6, 63747-86-4, 63887-55-8, 66272-25-1, 67711-84-6, 67786-06-5, 67989-06-4, 68070-99-5, 68071-17-0, 68071-35-2, 68071-37-4, 68130-44-9, 68130-45-0, 68130-46-1, 68130-47-2, 68186-29-8, 68186-36-7, 68186-34-5, 68186-37-8, 68238-84-6, 68311-02-4, 68311-04-6, 68389-72-0, 68413-78-5, 68425-73-0, 68425-75-2, 68439-39-4, 68458-48-0, 68511-15-9, 68511-36-4, 68511-37-5, 68551-05-3, 68585-15-9, 68585-16-0, 68585-17-1, 68585-36-4, 68585-39-7, 68603-24-7, 68607-14-7, 68610-64-0, 68610-65-1, 68649-29-6, 68649-30-9, 68650-84-0, 68815-11-2, 68855-46-9, 68856-03-1, 68890-90-4, 68890-91-5, 68891-12-3, 68891-13-4, 68891-26-9, 68908-64-5, 68909-65-9, 68909-67-1, 68909-69-3, 68921-24-4, 68921-60-8, 68954-87-0, 68954-88-1, 68954-92-7, 68987-35-9, 69029-43-2, 69980-69-4, 70247-99-3, 70248-14-5, 70903-63-8, 71965-23-6, 71965-24-7, 72480-27-4, 72623-67-7, 72623-68-8, 72828-56-9, 72828-57-0, 73018-34-5, 73038-25-2, 73050-08-5, 73050-09-6, 73361-29-2, 73378-71-9, 73378-72-0, 73559-42-9, 73559-43-0, 73559-44-1, 73559-45-2, 74499-76-6, 76930-25-1, 78330-22-0, 78330-24-2, 91254-26-1, 93925-54-3, 96416-89-6, 103170-31-6, 103170-32-7, 106233-09-4, 106233-10-7, 108818-88-8, 110392-49-9, 111798-26-6, 111905-50-1, 116671-23-9, 117584-36-8, 119415-05-3, 121158-61-0, 121158-63-2, 125139-13-1, 125301-86-2, 125301-87-3, 126646-03-5, 129870-77-5, 129870-80-0, 130354-37-9, 136504-88-6, 143372-50-3, 143372-51-4, 154518-39-5, 154518-40-8, 155240-11-2, 160498-49-7, 160611-24-5, 171543-66-1, 210493-60-0, 246159-55-7, 251298-11-0, 261627-68-3, 317833-96-8, 422563-19-7, 873662-29-4, 936100-29-7, 936100-30-0, 1072943-56-6, 1187742-89-7, 1187743-35-</p>	Not to exceed 30% of pesticide formulation	Surfactants, related adjuvants of surfactants
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3. In § 180.930, revise the following inert ingredients in the table to read as follows:

**§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.**

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Inert ingredients	Limits	Uses
* * *	*	* *
		* *
$\alpha$ -Alkyl(C <sub>6</sub> -C <sub>15</sub> )- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2-4 moles (CAS Reg. Nos. 3088-31-1, 9004-82-4, 9004-84-6, 9021-91-4, 13150-00-0, 25446-78-0, 26183-44-8, 27140-00-7, 27731-61-9, 27731-62-0, 32612-48-9, 34431-25-9, 35015-74-8, 50602-06-7, 52286-18-7, 52286-19-8, 54116-08-4, 61702-79-2, 62755-21-9, 63428-86-4, 63428-87-5, 65086-57-9, 65086-79-5, 67674-66-2, 67845-82-3, 67845-83-4, 68037-05-8, 68037-06-9, 68171-41-5, 68424-50-0, 68511-39-7, 68585-34-2, 68610-66-2, 68611-55-2, 68649-53-6, 68890-88-0, 68891-29-2, 68891-30-5, 68891-38-3, 69011-37-6, 73665-22-2, 75422-21-8, 78330-16-2, 78330-17-3, 78330-25-3, 78330-26-4, 78330-27-5, 78330-28-6, 78330-29-7, 78330-30-0, 96130-61-9, 106597-03-9, 110392-50-2, 125301-88-4, 125301-89-5, 125301-92-0, 125736-54-1, 157707-85-2, 160104-51-8, 160901-27-9, 160901-28-0, 160901-29-1, 160901-30-4, 161025-28-1, 161074-79-9, 162063-19-6)	Not to exceed 30% of pesticide formulation	Surfactants, related adjuvants of surfactants
* * *	*	* *
		* *
$\alpha$ -alkyl (minimum C <sub>6</sub> linear, branched, saturated and/or unsaturated)- $\omega$ -hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine,	Not to exceed 30% of pesticide formulation	Surfactants, related adjuvants of surfactants

<p>potassium, sodium and zinc salts of the phosphate esters;  minimum oxyethylene content averages 2 moles;  minimum oxypropylene content is 0 moles (CAS Reg.  Nos. 9004-80-2, 9046-01-9, 26982-05-8, 31800-89-2,  37280-82-3, 39464-66-9, 39341-09-8, 39341-65-6,  39464-69-2, 42612-52-2, 50643-20-4, 50668-50-3,  51884-64-1, 52019-36-0, 57486-09-6, 58318-92-6,  59112-71-9, 60267-55-2, 61837-79-4, 62362-49-6,  63747-86-4, 63887-55-8, 66272-25-1, 67711-84-6,  67786-06-5, 67989-06-4, 68070-99-5, 68071-17-0,  68071-35-2, 68071-37-4, 68130-44-9, 68130-45-0,  68130-46-1, 68130-47-2, 68186-29-8, 68186-36-7,  68186-34-5, 68186-37-8, 68238-84-6, 68311-02-4,  68311-04-6, 68389-72-0, 68413-78-5, 68425-73-0,  68425-75-2, 68439-39-4, 68458-48-0, 68511-15-9,  68511-36-4, 68511-37-5, 68551-05-3, 68585-15-9,  68585-16-0, 68585-17-1, 68585-36-4, 68585-39-7,  68603-24-7, 68607-14-7, 68610-64-0, 68610-65-1,  68649-29-6, 68649-30-9, 68650-84-0, 68815-11-2,  68855-46-9, 68856-03-1, 68890-90-4, 68890-91-5,  68891-12-3, 68891-13-4, 68891-26-9, 68908-64-5,  68909-65-9, 68909-67-1, 68909-69-3, 68921-24-4,  68921-60-8, 68954-87-0, 68954-88-1, 68954-92-7,  68987-35-9, 69029-43-2, 69980-69-4, 70247-99-3,  70248-14-5, 70903-63-8, 71965-23-6, 71965-24-7,  72480-27-4, 72623-67-7, 72623-68-8, 72828-56-9,  72828-57-0, 73018-34-5, 73038-25-2, 73050-08-5,  73050-09-6, 73361-29-2, 73378-71-9, 73378-72-0,  73559-42-9, 73559-43-0, 73559-44-1, 73559-45-2,  74499-76-6, 76930-25-1, 78330-22-0, 78330-24-2,  91254-26-1, 93925-54-3, 96416-89-6, 103170-31-6,  103170-32-7, 106233-09-4, 106233-10-7, 108818-88-8,  110392-49-9, 111798-26-6, 111905-50-1, 116671-23-9,  117584-36-8, 119415-05-3, 121158-61-0, 121158-63-2,  125139-13-1, 125301-86-2, 125301-87-3, 126646-03-5,  129870-77-5, 129870-80-0, 130354-37-9, 136504-88-6,  143372-50-3, 143372-51-4, 154518-39-5, 154518-40-8,  155240-11-2, 160498-49-7, 160611-24-5, 171543-66-1,  210493-60-0, 246159-55-7, 251298-11-0, 261627-68-3,  317833-96-8, 422563-19-7, 873662-29-4, 936100-29-7,  936100-30-0, 1072943-56-6, 1187742-89-7, 1187743-35-  6)</p>		
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